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October 30, 2024

**VIA ECF**

Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: M.B. and J.B. v. Katonah-Lewisboro Union Free Sch. Dist.,  
Case No. 24 Civ. 1745 (KMK)

Your Honor:

We represent Defendant Katonah-Lewisboro Union Free School District in the above-referenced action brought under the Individuals with Disabilities Education Act ("IDEA"), in which Plaintiffs challenge an administrative determination of a State Review Officer ("SRO"), following an impartial hearing held pursuant to 20 U.S.C. § 1415(f) and related state law, concerning the placement of a student with a disability.

I write in further support of Defendant's motion for leave to file the entire administrative hearing record under seal and to address the specific concerns raised by the Court (ECF No. 23).

As has been expressly stated by at least one federal judge in the Southern District of New York, filing the entirety of the hearing record under seal "is common in IDEA cases." B.D. v. Eldred Cent. Sch. Dist., 661 F. Supp. 3d 299, 305 n. 2 (S.D.N.Y. 2023) (Halpern, J.); S.B. v. Goshen Cent. Sch. Dist., No. 20 Civ. 9167 (PMH), 2022 U.S. Dist. LEXIS 164057, at \*3 n. 2 (S.D.N.Y. Sept. 12, 2022) (Halpern, J.). Other judges in this District appear to routinely approve requests to file the entire administrative record under seal in IDEA cases. See, e.g., Y.S. v. N.Y. City Dep't of Educ., No. 23 Civ. 7317 (JPC), 2024 U.S. Dist. LEXIS 179240, at \*6 n. 1 (S.D.N.Y. Sept. 30, 2024) ("[t]he following background facts are drawn from the underlying administrative record which was filed under seal"); Scheff v. N.Y. City Dep't of Educ., 680 F. Supp. 3d 354,

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361 (S.D.N.Y. 2023); Donohue v. N.Y. City Dep't of Educ., No. 20 Civ. 1942 (ALC)(KHP), 2021 U.S. Dist. LEXIS 189873, at \*22 (S.D.N.Y. Sept. 30, 2021) (“[t]he complete administrative record was submitted under seal”).

Additionally, in previous IDEA actions, Your Honor has also granted requests to file the entire administrative hearing record under seal. See Y.N. v. Bd. of Educ., No. 17 Civ. 4356 (KMK), 2018 U.S. Dist. LEXIS 164453, at \*1 n. 1 (S.D.N.Y. Sept. 25, 2018); W.A. v. Hendrick Hudson Cent. Sch. Dist., 219 F. Supp. 3d 421, 453 (S.D.N.Y. 2016).

In this instance, the hearing record consists of more than 2300 pages, much of which, including the exhibits and hearing transcript, contain extensive information about the student, including personally identifying information and copies of educational records, that fall under the protections of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g. Redacting this information would be unduly burdensome and may likely not be effective to maintain confidentiality. Moreover, the only portion of the hearing record that has previously been made available to the public is the decision of the SRO, which is available on the public website of the Office of State Review, and does not contain any personally identifying information.

Therefore, given the impracticality of redacting protected information in the hearing record, and the common practice in the Southern District of New York of filing the hearing record under seal in IDEA cases, Defendant respectfully requests leave to file the entire administrative hearing record in this action under seal.

Alternatively, if leave is not granted before October 31, 2024, Defendant requests an extension of time to file the administrative hearing record to provide time for Plaintiffs to be heard on this issue.

For the reasons noted herein, the administrative record in this case may be filed under seal.

Respectfully,

  
Steven L. Banks

So Ordered

  
10/30/24

cc: Meredith Black, Esq. (by ECF)  
Plaintiff J.B. (by ECF)  
Cassidy E. Allison, Esq. (by ECF)